

Application No.: 10/004,732
Amendment Dated: February 3, 2005
Reply to Office Action of: November 3, 2004

REMARKS

Claims 1-20 and 33-36 remain pending in this application.

Reconsideration of the merits of this application, in light of the remarks that follow, is respectfully requested.

Rejection under 35 U.S.C. §102

Claims 1, 3-8, 11, 13-18, 20, 33, and 35 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Kroll et al., US Patent No. 5,257,634. Applicants traverse this rejection.

The Examiner asserts on page 2 of the office action, that he considers structure 27, the braided conductive body, as the electrode array of Applicant's invention. Applicant respectfully asserts that this construction of Kroll is not consistent with the Applicant's disclosure or the disclosure of Kroll itself.

Claim 1 recites, among other things: "P stimulation electrodes arranged in an electrode array extending proximally from the lead distal end through a distal segment of the lead body". Therefore, the structure of the electrode array, as that term is used in the Applicant's disclosure and claims, is an arrangement of "P stimulation electrodes". In summary, the electrode array includes more than one electrode.

The braided conductive body 27 of Kroll, and the braid ends 28 are one extended electrode, because there is no insulative components anywhere within that structure that would serve to separate the structure into distinct electrodes. Furthermore, although not specifically discussed in the text of Kroll, reference number 23 in Fig. 3 appears to be a conductive lead member. Because there is only one conductive lead member depicted, and no discussion to lead one to believe otherwise, there is obviously only one electrical connection for one electrode. Therefore, the braided conductive body 27, which the Examiner considers as being the electrode array of Applicant's invention cannot be considered that structure because it only includes one electrode.

Applicants therefore continue to assert that Kroll does not disclose, *inter alia*, a tine element array extending through a segment of a lead proximal to an electrode array or a coil electrode as required by claims 1, 3-8, 11, 13-18, 20, 33, and 35. The construction of Kroll that

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the Examiner has utilized in order to find all of the elements is not consistent with the other portions of the claim and/or Kroll itself. Therefore the Kroll patent does not disclose each element of claims 1, 3-8, 11, 13-18, 20, 33, and 35 of the present application. As such, Applicants respectfully request that the rejection be withdrawn.

Rejections under 35 U.S.C. §103

Claims 2 and 12 have been rejected under 35 U.S.C. §103(a) as allegedly being obvious over Kroll et al., US Patent No. 5,257,634. Applicant traverses this rejection.

The Office Action stated that it would have been obvious to “modify the systems and teachings of Kroll to have tines that are formed of flexible biocompatible plastic selected from the group consisting of medical grade polyurethane compounds and silicone rubber compounds.” However, such a modification would render the electrode of Kroll ineffective. According to MPEP § 2143.01, the proposed modification cannot render the prior art unsatisfactory for its intended purpose. The “tines” in Kroll are an integral part of the electrode, and extend from the body portion of the electrode and are designed to “provide an increased effective length of the electrode conductive body portion to provide a catheter electrode structure having a relatively low electrical impedance.” Column 1, lines 53-56. Because plastic is relatively non-conductive, modifying the tines to make them plastic would destroy the ability of Kroll’s electrode to perform as intended. Moreover, if one were to replace the tines of Kroll with plastic, one would be replacing the conductive body of the electrode with plastic, as the tines are simply an extension of the conductive body. In essence, the Office Action is suggesting that it would be an obvious design choice to replace the electrode of Kroll with a relatively non-conductive plastic. Such a position is simply not tenable. As, such the withdrawal of the rejection is respectfully requested.

Claims 9 and 19 have been rejected under 35 U.S.C. §103(a) as allegedly being obvious over Kroll et al., US Patent No. 5,257,634 in view of Bush et al., US Patent No. 5,282,845. Claims 34 and 36 have been rejected under 35 U.S.C. §103(a) as allegedly being obvious over Kroll et al., US Patent No. 5,257,634 in view of Borkan et al., US Patent No. 6,510,347. Applicant traverses each of these rejections.

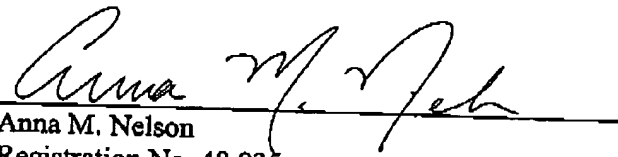
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As discussed above, Kroll fails to teach "P stimulation electrodes arranged in an electrode array extending proximally from the lead distal end through a distal segment of the lead body". Neither Bush, Borkan, nor any combinations thereof overcome this deficiency of Kroll, and therefore a combination of Kroll and the secondary references fail to disclose or suggest all of the limitations of claims 9 and 19; and 34 and 36. Applicant therefore respectfully requests that this rejection be withdrawn.

In view of the foregoing comments, it is believed that the application is now in condition for allowance and notice of same is respectfully requested.

Respectfully submitted,

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